

REMARKS

The application has been amended to place the application in condition for allowance at the time of the next Official Action.

Claims 1-23 are pending in the application.

Claims 1-23 were rejected under 35 USC 103(a) over LANDRIEVE WO01/73447 (U.S. equivalent 6,796,713) in view of HODGE 1,865,566. That rejection is respectfully traversed.

Independent claims 1, 22 and 23 are amended and recite a sealing member supported by one of the outer and inner parts and cooperating with the other of the outer and inner part. The sealing member is distinct from the brake. Support for this new limitation may be found at least in Figures 1 and 4, element 19 and on page 7, line 38 to page 8, line 1.

The position set forth in the Official Action is that LANDRIEVE discloses with respect to Figure 6 a means 29, 30, 40, 41 and 33b for braking a rotating part, with element 33b being an annular friction member and elements 29, 40, 41 being flexible tabs directly bearing against the annular friction member.

Based on the above-noted characterization of LANDRIEVE, and in fact any characterization of LANDRIEVE, there is a lack of a sealing member supported by one of the outer and inner parts and cooperating with the other of the outer and inner part and distinct from the brake.

HODGE fails to overcome the shortcomings of LANDRIEVE as to this feature.

Moreover, HODGE is non-analogous art that cannot be combined with LANDRIEVE.

The Federal Circuit has held that "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor, or if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992).

HODGE is related to packings for pistons of internal combustion engines. The packings are used to prevent combustion gases from going from the combustion chamber to the crankshaft and are useful for their axial resilience during the up and down movement of the piston in the combustion cylinder.

As applicant's invention relates to braked rolling elements having rotating and non-rotating parts in for example a control wheel or steering wheel, HODGE is not in applicant's field of endeavor.

"A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals logically would have commended itself to an inventor's attention in considering his problem." *Wang Laboratories Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993).

HODGE is used to prevent hot combustion gases from entering the crankshaft and relies on axial movement. An inventor seeking to continuously brake a rotating part of for example a steering wheel, would not logically look to the axial movement in the combustion piston of HODGE to provide insight as to how to solve the inventor's problem.

Accordingly, as HODGE is non-analogous art, HODGE cannot be used as a basis to reject applicant' claims.

As the references are not combinable and in any event, fail to show each of the recited limitations, the rejection is not viable. Reconsideration and withdrawal of the rejection are respectfully requested.

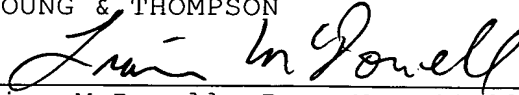
In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

A handwritten signature in cursive script, reading "Liam McDowell", written over a horizontal line.

Liam McDowell, Reg. No. 44,231
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

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